

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

2016 JUN 20 PM 2:15

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SO. DIST. OF GA.

UNITED STATES OF AMERICA )

v. )

JARROD JEREMIAH MINCEY, )


Defendant. )

CASE NO. CR407-288-2

O R D E R

Before the Court is the Defendant's Motion for Post-Conviction Relief Pursuant to Johnson. (Doc. 69.) In this motion, Defendant argues that he is entitled to post-conviction relief on the basis that Johnson v. United States, \_\_\_ U.S. \_\_\_, 135 S. Ct. 2551 (2015), is retroactive on collateral review. Defendant's request is cognizable pursuant to a 28 U.S.C. § 2255 motion. However, Defendant has specifically requested that the Court not construe his motion under § 2255. Because there is no other conceivable avenue for relief, Defendant's motion is **DENIED**.<sup>1</sup>

SO ORDERED this 20<sup>th</sup> day of June 2016.

  
WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

<sup>1</sup> Even if Defendant had requested relief under § 2255, his claim would fail. Defendant did not receive an enhanced penalty under either the Armed Career Criminal Act or the advisory sentencing guidelines. Accordingly, Johnson is inapplicable.